

Message Text

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43

ACTION NEA-10

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC NIACT IMMEDIATE 9536

C O N F I D E N T I A L NEW DELHI 8593

FOLLOWING TEL SENT NEW DELHI FROM CALCUTTA JUNE 28, 1975,
REPEATED TO YOU. QUOTE

C O N F I D E N T I A L CALCUTTA 1447

E.O. 11652: GDS

TAGS: CASC, PFOR, IN

SUBJECT: HARCOS/FLETCHER HUNGAR STRIKE

1. DUDHWEWALA, ONE OF HARCOS/FLETCHER'S TWO INDIAN LAWYERS, CALLED ON CONSULAR OFFICER AND SUBSEQUENTLY ON CONSUL GENERAL AFTERNOON JUNE 27. DUDHWEWALA SAID HE AND DATTA, THE OTHER LAWYER, HAD MET WITH HARCOS/FLETCHER ON JUNE 25 AND DATTA HAD AT THAT TIME URGED THEM TO CONTINUE WITH THEIR PLAN FOR HUNGER STRIKE BEGINNING JULY 1. THIS OF COURSE WAS BEFORE THE GOI DECLARED THE STATE OF EMERGENCY. DUDHWEWALA SAID HE NOW CONSIDERED THIS A MISTAKE AS IN THE CURRENT SITUATION THE GOI WOULD BE LESS LIKELY THAN EVER TO GIVE ATTENTION TO HARCOS-FLETCHER'S ACTION. DUDHWEWALA WAS ALSO OBVIOUSLY CONCERNED THAT A HUNGER STRIKE, BEING AN ACT OF PROTEST, MIGHT GET HIM INTO TROUBLE WITH THE AUTHORITIES; HE MIGHT BE ACCUSED OF HAVING INCITED HIS CLIENTS AND ACTION MIGHT BE TAKEN AGAINST HIM UNDER THE EMERGENCY POWERS.

2. DUDHWEWALA SAID HE WOULD BE SEEING HARCOS/FLETCHER ON JUNE 29 AND INTENDED TO ADVISE THEM NOT TO GO THROUGH WITH
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THE HUNGER STRIKE. HE HAD HOPED TO BE JOINED IN THIS BY

DATTA, WHOSE VIEWS HARCOS/FLETCHER GIVE GREAT WEIGHT, BUT WHEN ON JUNE 26 HE TRIED TO CONTACT DATTA HE WAS INFORMED THAT HIS COLLEAGUE HAD "GONE ON LEAVE" FOR A WEEK OR SO AND WOULD NOT BE AVAILABLE AT HOME OR IN THE OFFICE. (DATTA IS A MEMBER OF THE CPM AND NEPHEW OF CPM CHIEF JYOTI BASU; HE HAS APPARENTLY GONE UNDERGROUND WITH BASU AND OTHER CPM FIGURES AS A PRECAUTION AGAINST ARREST).

3. DUDHWEWALA

STRESSED THAT THE CASE IS NOW "STUCK" AND THAT ONLY PRESSURE ON NEW DELHI WILL BRING PROGRESS. HE SAID THAT IF PRESSURE IS NOT SOON BROUGHT TO BEAR THE CASE WILL GO TO TRIAL AND COULD THEN DRAG ON FOR TWO YEARS OR MORE.

4. COMMENT: WE WOULD HOPE THAT HARCOS AND FLETCHER WOULD ON THEIR OWN CONCLUDE THAT NOW IS NOT THE TIME TO GO ON A HUNGAR STRIKE BUT WE ARE BY NO MEANS CERTAIN THAT THEY WILL. BY THE SAME TOKEN, WE QUESTION WHETHER DUDHWEWALA ALONE WILL BE ABLE TO PERSUADE THEM TO CANCEL. DATTA PROBABLY COULD, BUT HE IS UNLIKELY TO EMERGE ANYTIME SOON. THE ONLY OTHER PERSON WE KNOW WHO MIGHT BE ABLE TO SWAY HARCOS AND FLETCHER IS THEIR AMERICAN LAWYER DOLORES DONOVAN. IF THE DEPARTMENT COULD CONTACT MISS DONOVAN THIS WEEKEND AND HAVE HER SEND A CABLE TO HARCOS AND FLETCHER, IN CARE OF THE CONSULATE, CONSULAR OFFICER COULD DELIVER IT DURING HIS REGULAR VISIT ON MONDAY JUNE 30. THIS MIGHT BE WORTH A TRY, FOR ONCE HARCOS AND FLETCHER BEGIN THEIR STRIKE IT MAY BE DIFFICULT TO GET THEM OFF IT SHORT OF CONCESSIONS BY THE GOI. WE ASSUME THAT A HUNGAR STRIKE COULD ONLY BRING COMPLICATIONS TO THE CASE WHICH WOULD IN NO EVENT BE HELPFUL TO US-INDIAN RELATIONS AT THIS STAGE.

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